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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,867	05/09/2001	Hikmet Senay	36287-01500	4958
27171	7590	11/18/2005	EXAMINER	
MILBANK, TWEED, HADLEY & MCCLOY 1 CHASE MANHATTAN PLAZA NEW YORK, NY 10005-1413			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/851,867	SENAK, HIKMET	
	Examiner	Art Unit	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 August 2005.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-18 have been examined.

### ***Response to Amendment***

2. This communication is responsive to Amendment B, filed 8/30/2005.
3. Claims 1-18 are pending in this application. Claims 1,5,9,13,16 are independent claims. In the Amendment A, Claims 1-18 were amended. Claims 19-21 were added as new. This action is FINAL.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-8,13,14,16-19,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donath ("Donath", "Visualizing Conversation") in view of Farmer et al ("Farmer", US 6,476,830).

As per claim 1, Donath discloses a method for graphically representing interactions between units within an organization, which comprises: determining a connectivity measure for each unit of persons (page 3 lines 12-18); providing a graphical object corresponding to each unit (Page 3 lines 12-18); positioning said graphical objects to correspond to the relative positions of the units within the

organizational hierarchy (Page 3 lines 12-18); varying graphical properties of said graphical objects to correspond to the connectivity measure and the diversity measure (Page 3 lines 31-37); and displaying on a display screen said graphical objects and interactions between the units represented by said graphical objects (Page 3 lines 12-18). Donath fails to expressly disclose a diversity measure for each person. However, Farmer teaches determining a diversity measure for each unit of individual persons (Column 12 lines 30-45, wherein the gender is specified for each person). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Farmer with the method of Donath. Motivation to do so would have been to provide a way to more accurately portray a user.

As per claim 2, which is dependent on claim 1, Donath-Farmer teaches a method wherein said graphical properties of said graphical objects varied includes color of said graphical object according to the diversity measure (Donath, Page 3 lines 19-27).

As per claim 3, which is dependent on claim 1, Donath-Farmer teaches a method wherein said graphical properties of said graphical objects according to the connectivity measure (Donath, Page 3 lines 12-18).

As per claim 4, which is dependent on claim 1, Donath teaches a method which further comprises providing for user selection of a portion of said display screen such that only those graphical objects within said user selected portion of said display screen are displayed (Figure 3).

Claims 5,8,13,16 are individually similar in scope to that of claim 1, and are therefore rejected under similar rationale.

Claims 18-19,21 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claim 6, 14,17 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claim 7 is individually similar in scope to that of claim 4, and is therefore rejected under similar rationale.

6. Claims 9,10,11,12,15,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donath ("Donath", "Visualizing Conversation") in view of Farmer et al ("Farmer", US 6,476,830) in view of Chi et al ("Chi", US 6,509,898).

As per independent claim 9, Donath teaches a method for graphically representing interactions between an individual person and other persons with an organization which comprises: determining a connectivity measure for the interacting individual persons (Page 3 lines 12-18); providing graphical objects corresponding to the interacting individual persons (Page 3 lines 19-27); positioning said graphical objects to each unit of individual persons within the organizational hierarchy (Page 3 lines 12-18); varying graphical properties of said graphical objects to correspond to the connectivity measure and the diversity measure (Page 3 lines 31-37); displaying on a display screen said graphical objects; and displaying on said display screen direct interactions between the individual persons (Page 3 lines 12-18). Donath fails to

expressly disclose a diversity measure for each person. However, Farmer teaches determining a diversity measure for each unit of individual persons (Column 12 lines 30-45, wherein the gender is specified for each person). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Farmer with the method of Donath. Motivation to do so would have been to provide a way to more accurately portray a user. The modified Donath also fails to disclose displayed interaction between preselected depth levels. However, Chi teaches displaying indirect interactions between the individual persons to a preselected depth level (Chi, Column 19 lines 17-37). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of preselected levels of Chi with the method of the modified Donath. Motivation to do so would have been to be able to depict the degree of separation between the two points.

As per claim 10, which is dependent on claim 9, Donath-Farmer-Chi teaches a method wherein said graphical properties of said graphical objects according to the connectivity measure (Donath, Page 3 lines 12-18).

As per claim 11, which is dependent on claim 9, Donath-Farmer-Chi teaches a method which further comprises providing for user selection of a portion of said display screen such that only those graphical objects within said user selected portion of said display screen are displayed (Figure 3).

As per claim 12, which is dependent on claim 9, Donath-Farmer-Chi disclose a method wherein said pre-selected depth level may be user selected (Chi, Column 19 lines 17-37).

As per claim 15, which is dependent on claim 14, Donath-Farmer-Chi discloses a method wherein each said graphical object displays the actual units within the organization whose members form the corresponding hypothetical unit individual persons (Chi, Column 6 lines 18-22).

As per claim 20, which is dependent on claim 9, Donath-Farmer-Chi teaches a method wherein said graphical properties of said graphical objects varied includes color of said graphical object according to the diversity measure (Donath, Page 3 lines 19-27).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro

Art Unit: 2174

Art Unit 2174  
Patent Examiner

RFP

*Sy Luu*  
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PRIMARY EXAMINER